

UNDT/2023/119, Reilly

UNAT Held or UNDT Pronouncements

The investigation panel properly investigated 13 of the Applicant's allegations (see para. 113 of the Judgment). It did not however properly investigate six of the Applicant's allegations (see para. 115 of the Judgment).

Consequently, the responsible official acted on a partially defective report and the decision to close the case with managerial action cannot stand with respect to the complaints that were not properly investigated.

In view of the time lapse since the events in support of the Applicant's allegations that were not properly investigated occurred, the Tribunal does not find it suitable to remand these allegations for a de novo fact-finding investigation. The identified shortcomings however justify an order of compensation for moral damages. In view of the Appeals Tribunal's findings on the matter, the UNDT previous award, and its decision in this case not to remand the Applicant's claims for a de novo fact-finding investigation, the Tribunal awarded USD5,000 for moral damages.

Decision Contested or Judgment/Order Appealed

The case concerns a remand from UNAT in connection with Judgment *Reilly* UNDT/2021/093 (see UNAT Judgment *Reilly* 2022-UNAT-1309).

Legal Principle(s)

The Tribunal is called to determine whether the staff member was granted due process rights, whether the investigators acted in an independent and impartial manner by considering all the circumstances of the case, and whether all relevant factors were taken into consideration or if any irrelevant matters were addressed.

Outcome

Judgment entered for Applicant in full or in part

Full judgment

[Full judgment](#)

Applicants/Appellants

Reilly

Entity

OHCHR

Case Number(s)

UNDT/GVA/2017/052/R1

Tribunal

UNDT

Registry

Geneva

Date of Judgement

7 Nov 2023

Duty Judge

Judge Tibulya

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Investigation

Applicable Law

Secretary-General's bulletins

- ST/SGB/2008/5

Administrative Instructions

- ST/AI/2010/5

UNAT Statute

- Article 2.1(a)

UNDT Statute

Related Judgments and Orders

2018-UNAT-873

2022-UNAT-1309

UNDT/2021/093